



September 28, 1999

Mr. Monty Wade Sullivan
Assistant City Attorney
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR99-2723

Dear Mr. Sullivan:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 127984.

The Houston Police Department (the "department") received a written request for two particular incident reports involving the alleged interference with court ordered child custody. You contend that the requested incident reports are excepted from required public disclosure pursuant to section 552.108(a)(2) of the Government Code.

Section 552.108(a)(2) of the Government Code excepts from required public disclosure "information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that *did not result* in conviction or deferred adjudication." (Emphasis added.) This exception applies to records pertaining to criminal investigations and prosecutions that have concluded and did not result in a conviction or deferred adjudication. Because such appears to be the case here, we conclude that section 552.108(a)(2) is applicable to the two requested incident reports.

Section 552.108 does not, however, except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). The department must release the "basic information" in accordance with *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976), including, but not limited to, a detailed description of each offense. All remaining information in this offense report may be withheld pursuant to section 552.108(a)(2) of the Government Code.¹

¹You also contend that the home address, telephone number, and social security number of the complainant in these reports, who happens to be a peace officer employed by the department, is excepted from

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Kay Hastings
Assistant Attorney General
Open Records Division

KHH/RWP/nc

Ref.: ID# 127984

Encl. Submitted documents

cc: Ms. Anita Taylor
Esquire Document Retrieval Services
3401 Louisiana, Suite 373
Houston, Texas 77002
(w/o enclosures)

public disclosure pursuant to section 552.117(2) of the Government Code. We need not address this issue, however, because such information does not constitute "basic information" that is required to be released under section 552.108(c).